

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/125, 711	03/04/99	SHALIT	T 097037

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EXAMINER

DINH, D	ART UNIT	PAPER NUMBER
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2674

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/125,711	SHALIT, THOMER
Examiner	Art Unit	
DUC Q DINH	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 5/25/01.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17-53 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 17-53 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. The request filed on May 25th, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/125,711 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 17-53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "...said movement generator generating motion of said housing in a direction substantially orthogonal to said flat said flat surface..".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 17 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rohen (5,186,629).

In reference to claims 17-18, Rohen discloses FIG. 1 the overall system of the preferred embodiment which includes a computer 11 connected to the mouse 17 by a signal line having tactile feedback, which is shown in more detail in FIG. 2 a perspective view of a mouse 17 incorporating a tactile feedback area 33 (actuator). The feedback to a user is a very mild AC signal. This AC signal is adjustable in both voltage and current so as to give a mild tingling sensation at the fingertip holding the mouse. The sensation is similar to the touching of an electrical appliance having a small leakage current that is seeking a ground return through the persons body (col. 5, lines 12-21).

In reference to claims 18-21 and 31-34, Rohen disclose in Fig.4an alternate embodiment of the tactile feedback transducer as a vibrator or tone source which will be made to vary in intensity and/or frequency as the mouse 17 is moved to present different parts of the buffer information to the user.

In reference to claims 22, 36, Rohen discloses in Fig.2 that the feedback area 33 is in the casing portion of the mouse.

In reference to claims 21, 23, 33 and 35, 37, Rohen discloses in FIG. 5 shows the essential components required to furnish an AC tactile feedback signal from a low DC voltage available from the computer to which the mouse is attached, or from a battery if the mouse has a wireless connection to the computer. The DC voltage source 51 is applied to a switching circuit

53 which changes it to a sequence of pulsations under control of the feedback signal from the computer. The frequency of the pulsations are controlled by the feedback signal. The output of the switching circuit 53 is applied to the primary 55 of a transformer. The ratio of the turns in the primary winding 55 to the secondary winding 57 of the transformer determines the magnitude of the voltage available at the secondary. Taps 59, 60, and 61 on the secondary allow the magnitude of the voltage to be tailored to the user. Likewise the current limiting resistors 63 and 65 in series with the secondary voltage allow voltage is applied across terminals A and B to drive either the electrical transducer of FIG. 3 or the vibratory transducer of FIG. 4 (col. 6, lines 39-58).

In reference to claims 25-29, 39-42, Rohen discloses that in FIG. 8 a selected window contains a listing of applications available and their respective icons. The user enters and explores this window with the mouse. The user determines the window edges by feel and the audio beeps, and identifies the icons and associated text by feeling, clicking, and listening to the vocal responses (col. 8, lines 30-38). In addition, Rohen discloses that the signal defines a frequency indicative of the color of the information being presented. For example, the color red is a lower frequency and blue is a high frequency. This signal is then sent to the mouse 17 where it is applied to the feedback input 52 of the circuits shown in FIG. 5 to actuate the transducer of FIG. 3 or FIG. 4 at the defined frequency (see Fig. 6, lines 17-21).

Claims 43-53 are method claims corresponding to the apparatus claims 17-42; therefore, are rejected based on the same basis set forth in said claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohen in view Affinito et al. (4,868,549), hereinafter Affinito.

In reference to claims 24 and 38, Rohen discloses everything except the actuator is an electromagnetic actuator. Affinito disclose a feedback mouse using electromagnet (see abstract and Fig.5).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to provide the electromagnet of Affinito for the feedback 33 of Rohen because it would produce a strong magnetic field which causes increased resistance to further movement of the mouse across the surface (col. 3, lines 45-47).

Response to Arguments

6. Applicant's arguments filed on May 24th, 2001 have been fully considered but they are not persuasive. Applicant argues that "Rohen's device does not generate motion of the mouse housing, nor provide motion in an orthogonal direction as recited in claim 17". However, Rohen discloses that the feedback in the form of a mild electrical impulse, a physical vibration or other fast response manifestation is a preferred embodiment (col. 2, lines 65-68), therefore, the force

feedback could be generated in any direction including the force perpendicular to the flat surface as in the recited claims

The rejection, therefore, is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is (703) 306-5412. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD A HJERPE can be reached on (703) 305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DUC Q DINH
Examiner
Art Unit 2674
DQD
August 11, 2001



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600